

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gerard L. Cafesjian, et al.,

Plaintiffs,

v.

Civ. No. 07-2079 (JNE/JJG)
ORDER

Armenian Assembly of America, Inc.,

Defendant.

This case is before the Court on a Report and Recommendation issued by the Honorable Jeanne J. Graham, United States Magistrate Judge, on December 23, 2007. The Magistrate Judge recommended that Defendant's motions to dismiss be granted to the extent they are based on failure to join a necessary and indispensable party under Fed. R. Civ. P. 19 and denied to the extent they are based on other grounds. Plaintiffs objected to the recommendation, and Defendant has responded to their objections. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Plaintiff's request for leave to file a motion for an evidentiary hearing [Docket No. 60] is DENIED.
2. Defendant's Motion to Dismiss based on lack of personal jurisdiction and improper venue [Docket No. 14] is DENIED.
3. Defendant's Motion to Dismiss based on failure to state a claim and failure to join a necessary and indispensable party [Docket No. 11] is DENIED as to the portion of the motion based on Fed. R. Civ. P. 12(b)(6) and GRANTED as to the portion of the motion based on Fed. R. Civ. P. 12(b)(7).

4. This action is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 31, 2008

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge